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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:18-mj-245-VCF
)	
Plaintiff,)	
)	
vs.)	
)	
JOSHUA EMMANUEL CASTELLON,)	
)	
Defendant.)	
_____)	

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Brenda Weksler, Assistant Federal Public Defender, counsel for Defendant JOSHUA EMMANUEL CASTELLON, that the preliminary hearing for the above-captioned matter, currently scheduled for April 6, 2018, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

This stipulation is entered for the following reasons:

1 1. The Government has made an early production of discovery to the Defendant in
2 an effort to reach a pre-indictment plea agreement, and counsel for the Defendant needs an
3 opportunity to review the discovery and discuss it with the Defendant.

4 2. The parties are researching the viability of entering into a plea agreement
5 considering the existence of a state case that is related to the instant case. Said plea agreement
6 would obviate the need for either a preliminary hearing in this matter or for the Government to
7 present this matter to a federal grand jury. Counsel for the Defendant will need additional time
8 to discuss the Defendant's options with him.

9 4. The Defendant is in custody, but he does not object to the continuance.

10 5. Denial of this request for continuance of the preliminary hearing would
11 potentially prejudice both the Defendant and the Government and unnecessarily consume this
12 Court's valuable resources, taking into account the exercise of due diligence.

13 6. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice.

15 7. The additional time requested by this stipulation is excludable in computing the
16 time within which the defendant must be indicted and the trial herein must commence pursuant
17 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(8)(A), considering the factors under
18 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

19 8. This is the second request for a continuance of the preliminary hearing herein.
20 DATED: April 5, 2018.

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22 /s/
23 PHILLIP N. SMITH, JR.
24 Assistant United States Attorney
25 Counsel for the United States

22 /s/
23 BREND A WEKSLER, AFPD
24 Counsel for the Defendant

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 UNITED STATES OF AMERICA,) **2:18-mj-245-VCF**
7)
8 Plaintiff,) **ORDER CONTINUING**
9 vs.) **PRELIMINARY HEARING**
10 JOSHUA EMMANUEL CASTELLON,)
11 Defendant.)
12 _____)

13 **ORDER**

14 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
15 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently
16 scheduled for April 6, 2018, at the hour of 4:00 p.m., be vacated and continued to
17 May 7 _____, 2018 at the hour of 4:00 P _____.m. , in Courtroom 3D.

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19 
20 _____
21 UNITED STATES MAGISTRATE JUDGE

22 Dated this 5th day of April, 2018.
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